

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-00286-TJK

CENTER FOR PUBLIC INTEGRITY v. U.S. DEPARTMENT
OF ENERGY

Assigned to: Judge Timothy J. Kelly
Cause: 05:552 Freedom of Information Act

Date Filed: 02/15/2017

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

CENTER FOR PUBLIC INTEGRITY

represented by **Peter Newbatt Smith**
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ATTORNEY TO BE NOTICED

V.

Defendant

U.S. DEPARTMENT OF ENERGY

represented by **Benton Gregory Peterson**
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Date Filed	#	Docket Text
02/15/2017	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF ENERGY (Filing fee \$ 400 receipt number 0090-4843529) filed by CENTER FOR PUBLIC INTEGRITY. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons to U.S. Attorney, # <u>4</u> Summons to Attorney General)(Smith, Peter) (Entered: 02/15/2017)
02/15/2017	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by CENTER FOR PUBLIC INTEGRITY (Smith, Peter) (Entered: 02/15/2017)
02/15/2017		Case Assigned to Judge Colleen Kollar-Kotelly. (md) (Entered: 02/15/2017)

02/15/2017	<u>3</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF ENERGY, U.S. Attorney and U.S. Attorney General (md) (Entered: 02/15/2017)
02/16/2017	<u>4</u>	ORDER Establishing Procedures for Cases Assigned to Judge Colleen Kollar-Kotelly. Signed by Judge Colleen Kollar-Kotelly on February 16, 2017. (NS) (Entered: 02/16/2017)
02/16/2017	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 2/16/2017. Answer due for ALL FEDERAL DEFENDANTS by 3/18/2017. (Smith, Peter) (Entered: 02/16/2017)
03/01/2017	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 02/22/2017. (Attachments: # <u>1</u> Exhibit Return Receipt)(Smith, Peter) (Entered: 03/01/2017)
03/15/2017	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF ENERGY served on 2/23/2017 (Attachments: # <u>1</u> Exhibit Duplicate Return Receipt)(Smith, Peter) (Entered: 03/15/2017)
03/20/2017	<u>8</u>	ANSWER to Complaint by U.S. DEPARTMENT OF ENERGY.(Peterson, Benton) (Entered: 03/20/2017)
03/21/2017	<u>9</u>	ORDER. The parties shall MEET AND CONFER and file a Joint Status Report proposing a schedule for proceeding in this matter. The parties shall file the schedule not later than APRIL 20, 2017. Signed by Judge Colleen Kollar-Kotelly on 3/21/2017. (lcckk1) (Entered: 03/21/2017)
03/21/2017		Set/Reset Deadlines: Joint Status Report proposing a schedule due by 4/20/2017 (dot) (Entered: 03/22/2017)
04/18/2017	<u>10</u>	Joint MOTION for Extension of Time to File by U.S. DEPARTMENT OF ENERGY (Attachments: # <u>1</u> Text of Proposed Order)(Peterson, Benton) (Entered: 04/18/2017)
04/24/2017		MINUTE ORDER: The Court is in receipt of the parties' <u>10</u> Joint Motion for Extension of Time to File Joint Status Report. That motion was filed two days before the referenced Joint Status Report was due with the Court, and therefore fails to comply with this Court's Standing Order, which instructs that [m]otions for extensions of time must be filed at least four (4) business days prior to the first affected deadline. ECF No. 4, at 3. Nonetheless, in this instance, and for good cause shown, the Court shall GRANT the Motion. The parties shall file their Joint Status Report no later than APRIL 27, 2017. Signed by Judge Colleen Kollar-Kotelly on 4/24/2017. (lcckk1) (Entered: 04/24/2017)
04/24/2017		Set/Reset Deadlines: Joint Status Report due by 4/27/2017. (dot) (Entered: 04/25/2017)
04/27/2017	<u>11</u>	Joint STATUS REPORT by CENTER FOR PUBLIC INTEGRITY. (Smith, Peter) (Entered: 04/27/2017)
05/01/2017		MINUTE ORDER: The Court is in receipt of the parties' <u>11</u> Joint Status Report, wherein they represent that Defendant has made a production of responsive documents from one field office, with some redactions, and expects to produce several thousand additional pages from six other field offices. The parties request that the Court not set a briefing schedule at this time, given that the end date for the government's production is still uncertain. Accordingly, the parties shall file a further Joint Status Report by June 27, 2017, updating the Court regarding the government's production, and proposing a briefing schedule, if necessary. Signed by Judge Colleen Kollar-Kotelly on 5/1/2017. (lcckk1) (Entered: 05/01/2017)
05/01/2017		Set/Reset Deadlines: Joint Status Report due by 6/27/2017. (dot) (Entered: 05/03/2017)
06/27/2017	<u>12</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF ENERGY. (Peterson, Benton) (Entered: 06/27/2017)
06/30/2017		MINUTE ORDER: The Court is in receipt of the parties' <u>12</u> Joint Status Report, wherein they represent that Defendant has made a production of responsive

		documents, and expects to produce several thousand more pages shortly. Accordingly, the parties shall file a further Joint Status Report by August 28, 2017, updating the Court regarding the government's production, and proposing a briefing schedule, if necessary. Signed by Judge Colleen Kollar-Kotelly on 6/30/2017. (lcckk1) (Entered: 06/30/2017)
06/30/2017		Set/Reset Deadlines: Joint Status Report due by 8/28/2017. (dot) (Entered: 07/03/2017)
08/28/2017	<u>13</u>	Joint STATUS REPORT by CENTER FOR PUBLIC INTEGRITY. (Smith, Peter) (Entered: 08/28/2017)
09/05/2017		MINUTE ORDER: The Court is in receipt of the parties' <u>13</u> Joint Status Report, which indicates that "Defendant has complied with the agreed upon productions so far and is on track with the originally agreed upon production schedule." Accordingly, the parties shall submit a further Joint Status Report by OCTOBER 30, 2017. Signed by Judge Colleen Kollar-Kotelly on 9/5/2017. (lcckk1) (Entered: 09/05/2017)
09/05/2017		Set/Reset Deadlines: Joint Status Report due by 10/30/2017. (dot) (Entered: 09/06/2017)
09/18/2017		Case directly reassigned to Judge Timothy J. Kelly. Judge Colleen Kollar-Kotelly is no longer assigned to the case. (ztnr) (Entered: 09/18/2017)
10/30/2017	<u>14</u>	Joint STATUS REPORT by CENTER FOR PUBLIC INTEGRITY. (Smith, Peter) (Entered: 10/30/2017)
10/31/2017		MINUTE ORDER: In light of the <u>14</u> Joint Status Report filed by the parties on October 30, 2017, it is hereby ORDERED that the parties shall file a further status report by December 29, 2017. Signed by Judge Timothy J. Kelly on 10/31/2017. (lctjk1) (Entered: 10/31/2017)
11/01/2017		Set/Reset Deadlines: Status Report due by 12/29/2017 (tj) (Entered: 11/01/2017)
12/29/2017	<u>15</u>	Joint STATUS REPORT by CENTER FOR PUBLIC INTEGRITY. (Smith, Peter) (Entered: 12/29/2017)
01/12/2018		MINUTE ORDER: In light of the parties' <u>15</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further Joint Status Report by February 26, 2018. Signed by Judge Timothy J. Kelly on 1/12/2018. (lctjk1) (Entered: 01/12/2018)
01/12/2018		Set/Reset Deadlines: Joint Status Report due by 2/26/2018. (kh) (Entered: 01/12/2018)
02/26/2018	<u>16</u>	Joint STATUS REPORT by CENTER FOR PUBLIC INTEGRITY. (Smith, Peter) (Entered: 02/26/2018)
02/27/2018		MINUTE ORDER: In light of the parties' <u>16</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further Joint Status Report by May 10, 2018. Signed by Judge Timothy J. Kelly on 2/27/2018. (lctjk1) (Entered: 02/27/2018)
05/10/2018	<u>17</u>	Joint STATUS REPORT by CENTER FOR PUBLIC INTEGRITY. (Smith, Peter) (Entered: 05/10/2018)
05/14/2018		MINUTE ORDER: In light of the parties' <u>17</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further Joint Status Report by June 7, 2018. Signed by Judge Timothy J. Kelly on 5/14/2018. (lctjk1) (Entered: 05/14/2018)
06/07/2018	<u>18</u>	Joint STATUS REPORT by CENTER FOR PUBLIC INTEGRITY. (Smith, Peter) (Entered: 06/07/2018)
06/11/2018		MINUTE ORDER: In light of the parties' <u>18</u> Joint Status Report, it is hereby ORDERED that the following schedule will govern further proceedings: (1) Defendant shall file its motion for summary judgment by August 7, 2018; (2) Plaintiff shall file its opposition to Defendant's motion and cross-motion by September 7, 2018; (3) Defendant shall file its opposition to Plaintiff's cross-motion and reply in support of its motion by October 8, 2018; and (4) Plaintiff shall file its reply in support of its cross-motion by October 22, 2018. Signed by Judge Timothy J. Kelly on 6/11/2018.(lctjk1) (Entered: 06/11/2018)

06/12/2018		Set/Reset Deadlines: Summary Judgment motion due by 8/7/2018. Response to Motion for Summary Judgment and Cross Motion due by 9/7/2018. Reply to Motion for Summary Judgment and Response to Cross Motion due by 10/8/2018. Reply to Cross Motion due by 10/22/2018. (kh) (Entered: 06/12/2018)
08/06/2018	<u>19</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF ENERGY (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Text of Proposed Order)(Peterson, Benton) (Entered: 08/06/2018)
08/07/2018		NOTICE OF ERROR re <u>19</u> Motion for Summary Judgment; emailed to benton.peterson@usdoj.gov, cc'd 4 associated attorneys — The PDF file you docketed contained errors: 1. For future filings, the Judge's initials are (TJK). (zthh,) (Entered: 08/07/2018)
08/07/2018	<u>20</u>	NOTICE of Filing Hamblen Declaration by U.S. DEPARTMENT OF ENERGY re <u>19</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Declaration)(Peterson, Benton) (Entered: 08/07/2018)
09/07/2018	<u>21</u>	Cross MOTION for Summary Judgment by CENTER FOR PUBLIC INTEGRITY (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Text of Proposed Order)(Smith, Peter) (Entered: 09/07/2018)
09/07/2018	<u>22</u>	Memorandum in opposition to re <u>19</u> MOTION for Summary Judgment filed by CENTER FOR PUBLIC INTEGRITY. (Smith, Peter) (Entered: 09/07/2018)
10/09/2018	<u>23</u>	Memorandum in opposition to re <u>21</u> Cross MOTION for Summary Judgment filed by U.S. DEPARTMENT OF ENERGY. (Peterson, Benton) (Entered: 10/09/2018)
10/09/2018	<u>24</u>	REPLY to opposition to motion re <u>19</u> MOTION for Summary Judgment filed by U.S. DEPARTMENT OF ENERGY. (Peterson, Benton) (Entered: 10/09/2018)
10/22/2018	<u>25</u>	REPLY to opposition to motion re <u>21</u> Cross MOTION for Summary Judgment filed by CENTER FOR PUBLIC INTEGRITY. (Smith, Peter) (Entered: 10/22/2018)
03/15/2019	<u>26</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Derek S. Hammond on behalf of U.S. DEPARTMENT OF ENERGY Substituting for attorney Benton G. Peterson (Hammond, Derek) (Entered: 03/15/2019)
07/15/2019	<u>27</u>	MEMORANDUM OPINION & ORDER denying without prejudice Defendant's <u>19</u> Motion for Summary Judgment, and denying without prejudice Plaintiff's <u>21</u> Cross-Motion for Summary Judgment. Joint briefing schedule due by July 29, 2019. See Order for details. Signed by Judge Timothy J. Kelly on 7/15/2019. (lctjk1) (Entered: 07/15/2019)
07/29/2019	<u>28</u>	PROPOSED BRIEFING SCHEDULE by U.S. DEPARTMENT OF ENERGY. (Hammond, Derek) (Entered: 07/29/2019)
07/29/2019		MINUTE ORDER: Upon consideration of the parties' <u>28</u> Joint Briefing Schedule, it is hereby ORDERED that the following schedule will govern further proceedings: (1) Defendant shall file its renewed motion for summary judgment by September 30, 2019; (2) Plaintiff shall file its opposition to Defendant's motion and renewed cross-motion by October 30, 2019; (3) Defendant shall file its opposition to Plaintiff's cross-motion and reply in support of its motion by November 29, 2019; and (4) Plaintiff shall file its reply in support of its cross-motion by December 13, 2019. Signed by Judge Timothy J. Kelly on 7/29/2019. (lctjk1) (Entered: 07/29/2019)
09/30/2019	<u>29</u>	Second MOTION for Summary Judgment by U.S. DEPARTMENT OF ENERGY (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration, # <u>3</u> Statement of Facts, # <u>4</u> Text of Proposed Order)(Hammond, Derek) (Entered: 09/30/2019)